

different in shape. It is clearly apparent from the photographs both filed with the application as figures 1-4, and submitted to the Examiners during the interview.

As discussed with the Examiners, it is submitted that none of the documents of the prior art of record describe or suggest bipyramidal maltitol crystals, and neither do they describe nor even suggest a process of crystallizing maltitol allowing for the selective obtaining of bipyramidal and/or prismatic crystals.

The history of maltitol crystallization was detailed in the preliminary amendment filed with the continued prosecution application, and was discussed during the interview. A Declaration is attached, discussing the prior art.

It must be pointed out that, prior to the instant invention, nobody recognized that maltitol could be in different crystalline forms. As detailed previously and stated in the Declaration, since the first document relating to crystalline maltitol and dating of early 1981, the shape of the maltitol crystals has never been mentioned, except in one document where it is referred to as being "prism-like". More particularly, it must be stressed that the very distinctive bipyramidal shape was never once mentioned, despite extensive work on the subject by worldwide leading producers of polyols, in particular maltitol.

Maltitol crystals of bipyramidal shape are thus novel and inventive.

Additionally, none of the processes described in the prior art of record point out the importance of the maltotriitol

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content in terms of obtaining crystals of a certain shape, prismatic and/or bipyramidal. This is of course directly linked to the fact hereabove discussed that the maltitol crystals were not known to exhibit different shapes. Consequently, the process of crystallizing maltitol including a step of selecting the maltotriitol content in the maltitol syrup to obtain maltitol crystals of a certain shape is both novel and inventive over the prior art of record.

It is thus submitted that the instant invention is both novel and inventive over the prior art of record.

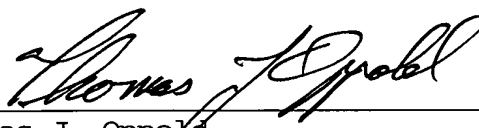
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In view of the above, it is considered that the application is in proper form for allowance. Favorable consideration and prompt allowance of these claims are respectfully requested.

Respectfully submitted,

6/4/01

Date



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